

AO91 (Rev. 12-03) Criminal Complaint

Felony

AUSA

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

JUL 31 2016

David J. Bradley, Clerk of Court

Southern District Of Texas Brownsville Division

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.

Case Number: B-16- mJ-738

David RODRIGUEZ
A209 280 902 United States

I, the undersigned complainant state that the following is true and correct to the best of my

knowledge and belief. On or about July 29, 2016 in Kenedy County, inthe Southern District Of Texas defendant(s)

knowingly, willfully, and in reckless disregard of the fact that 4 undocumented alien(s) had entered the United States in violation of law and remained in the United States in violation of law, did transport and move said alien(s) by means of a motor vehicle with intent to further their unlawful presence.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii)I further state that I am a(n) Border Patrol Agent and that this complaint is based on the

following facts:

On July 29, 2016 at approximately 09:25 p.m., Border Patrol Agents working highway patrol duties on Highway 77 near Sarita, TX noticed a red Tahoe traveling north in tandem with a gold in color four door sedan. Agents also noticed that the red Tahoe appeared to be heavily laden and very bouncy towards the rear cargo area. Agents decided to follow the red Tahoe in an effort to pull alongside it and make a visual inspection of the inside of the vehicle.

Agents tried to pull up next to the vehicle to observe the inside of the vehicle but every time the marked Border Patrol unit attempted to pull alongside the red Tahoe, it would hit the brakes and slow down. Agents attempted two more times to pull alongside the red Tahoe but were unsuccessful. Due to officer experience, agents found the vehicles appearance and its erratic behavior consistent with that of alien smuggling vehicles who attempt to drop off their loads south of the Border Patrol checkpoint.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

 Signature of Complainant

José M. Mancillas

Border Patrol Agent

Printed Name of Complainant

Submitted by reliable electronic means, sworn to and signature attested as per Fed. Rules Cr. Proc. 4.1

July 31, 2016

Date

at

Brownsville, Texas

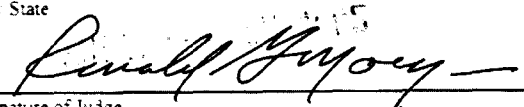
City State

Ronald G. Morgan

U.S. Magistrate Judge

Name of Judge

Title of Judge


 Signature of Judge

AFFIDAVIT

In support of Criminal Complaint

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

David Rodriguez
A209 280 902 United States

Case Number: B-16- MJ- 738

Agents decided to conduct a vehicle stop in an effort to determine alienage of the occupants of the red Tahoe. Once the driver of the red Tahoe noticed the marked Border Patrol unit attempting a vehicle stop, it sped up and made a hard right turn off the highway. Agents observed it stop near the ranch fence line and noticed 3 subjects bail out of the vehicle.

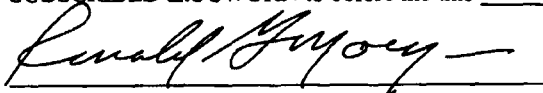
Agents then proceeded to secure the remaining occupants of the vehicle and conduct a cursory search of the immediate area. Agents were able to apprehend four subjects still inside the vehicle and one subject hiding in the nearby brush. Agents were unable to locate two subjects. During the field interview agents determined that the subjects found inside the vehicle were undocumented aliens and the one found in the nearby brush was a United States citizen.

Agents then transported the apprehended subjects to the Kingsville Border Patrol Station for processing. During processing agents conducted a smuggling case investigation to determine who the driver of the red Tahoe was. During question, material witnesses provided testimony via sworn statements implicating David Rodriguez as the driver of the red Tahoe. The material witnesses stated that David Rodriguez was the person who picked them up and was going to transport them to a drop off location south of the Border Patrol Checkpoint located in Sarita, Texas.

The stop resulted in the apprehension of one United State citizen and 4 undocumented aliens.

Defendant had \$10.00 United States dollars in his possession at time of arrest.

SUBSCRIBED and SWORN to before me this 31st day of July, 2016


Signature of Judicial Officer

 Border Patrol Agent
Signature of Complainant